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June 3, 2025

Hon. Gregory H. Woods, U.S.D.J.
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

USDC SDNY
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MEMORANDUM ENDORSED

Via ECF

Re: Gulati v. Novocure Inc.
Case No. 1:23-cv-3308-GHW

Dear Judge Woods,

This firm represents Defendant Novocure, Inc. (“Novocure”) in the above-captioned matter and respectfully submits this request seeking permission to read designated portions of witness Tricia Spurgeon’s deposition testimony of into evidence at trial scheduled to begin on June 9, 2025.

Ms. Spurgeon is a former employee of Defendant and will be in Italy throughout the duration of the trial. As set forth in the accompanying declaration of undersigned counsel, it was originally understood at the time of the pretrial conference that Ms. Spurgeon would testify in-person for the trial on Wednesday, June 11, 2025. However, Defendant has recently confirmed that Ms. Spurgeon will be outside the United States and beyond the subpoena power of the Court in Italy for the entire duration of the trial. As soon as Novocure learned of Ms. Spurgeon’s unavailability, it explored the possibility of arranging for Ms. Spurgeon to testify virtually from Italy. Unfortunately, the necessary approvals under the Hague Convention cannot be obtained from the Italian Ministry of Foreign Affairs in time for trial since counsel understand that the process would take several months.

In addition, if required by the Court, Defendant will provide an affidavit from a Novocure representative stating that Ms. Spurgeon is no longer employed by Novocure and has not been under its control since her departure. Novocure has not procured or encouraged her absence from the jurisdiction, and has made a good-faith effort to secure her testimony.

Accordingly, under Federal Rule of Civil Procedure 32(a)(4)(B), Novocure respectfully requests that the parties be permitted to read designated portions of Ms. Spurgeon’s deposition

into the trial record. Upon Novocure's receipt of Plaintiff's deposition designations, Novocure will provide Plaintiff with counter-designations and submit the proposed designations to the Court prior to the start of trial.

Sincerely,

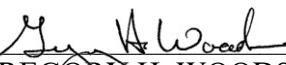
/s/ Robert R. Lucic
Robert R. Lucic

cc: Alex Rissmiller, Esq. (*via ECF*)
Jazly Liriano, Esq. (*via ECF*)
Charles Michael Alder, Esq. (*via ECF*)
Laura Morris, Esq. (*via ECF*)

The Court will hold a conference on this matter on June 5, 2025 at 2:00 p.m. The conference will be conducted by telephone. The parties are directed to the Court's Individual Rules of Civil Procedure. Rule 2(C) contains the dial-in information and other relevant instructions for the conference.

SO ORDERED.

Dated: June 4, 2025
New York, New York


GREGORY H. WOODS
United States District Judge